



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUN 07 2006

REPLY TO THE ATTENTION OF

(AE-17J)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

William C Jetter, President  
WCJ, Inc  
200 24<sup>th</sup> Avenue  
P O Box 3665  
Rock Island, Illinois 61204-3665

Dear Mr Jetter

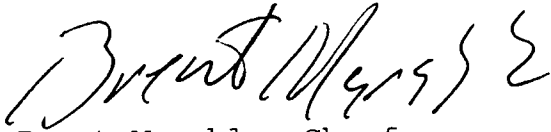
WCJ, Inc owned and operated a sweat furnace at its Rock Island facility The sweat furnace is subject to 40 C F R Part 63 (Subpart RRR) On December 27, 2005 the United States Environmental Protection Agency (U S EPA) issued a Notice of Violation for violations of the sweat furnace and afterburner

In a phone conversation between Rodrigo Valle, of the Air Enforcement and Compliance Assurance Section (IL/IN), and Steve Mayer, of WCJ, Inc , it was stated that due to health circumstances, a 113 conference would not be requested by WCJ WCJ has informed U S EPA that the furnace has not been in operation since November 2003 Also, WCJ agreed to not operate the sweat furnace at the Rock Island facility In a letter dated April 10, 2006, U S EPA received notice that the natural gas-fired sweat furnace at WCJ, Inc (WCJ) in Rock Island, Illinois has been offered for sale

Enclosed is U S EPA Administrative Order EPA-6-05-113(a)-5-IL, which provides that if the sweat furnace is sold U S EPA must be notified prior to the closing of the sale It also provides that if the sweat furnace is placed into operation, it must comply with Subpart RRR

If you have further questions, please contact me or Rodrigo Valle of my staff at 312-886-1474

Sincerely yours,

A handwritten signature in black ink, appearing to read "Brent Marable". The signature is stylized with a large, sweeping "B" and a trailing flourish.

Brent Marable, Chief  
Air Enforcement and Compliance Assurance Section (IL/IN)

Enclosure

- cc Julie Armitage, Acting Section Manager  
Compliance and Enforcement Section  
Illinois Environmental Protection Agency
- cc J Drew Chambers, P C (w/enclosure)  
Holleran, Shaw, Murphy & Stoutner
- cc Steve Mayer (w/enclosure)  
WCJ, Inc

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF:</b>	)	
	)	
WCJ, Inc	)	<b>Administrative Order</b>
Rock Island, Illinois	)	
	)	<b>EPA-6-05-113(a)-5-IL</b>
Proceeding Under Section	)	
113(a)(3) of the Clean Air	)	
<u>Act, 42 U S C § 7413(a)(3)</u>	)	
	)	

**Administrative Order**

1     The Director of the Air and Radiation Division, United States Environmental Protection Agency (U S EPA), Region 5, is issuing this Order to WCJ, Inc (WCJ) under Section 113(a)(3) of the Clean Air Act (Act), 42 U S C § 7413(a)(3)

**Statutory and Regulatory Background**

2     The Administrator of U S EPA may promulgate regulations establishing National Emission Standards for Hazardous Air Pollutants (NESHAP) under Section 112 of the Act, 42 U S C § 7412

3     Under Section 112 of the Act, the Administrator of U S EPA promulgated the National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production at 40 C F R § 63 1500 et seq (Secondary Aluminum Production NESHAP or Subpart RRR)

4     Subpart RRR, at 40 C F R § 63 1500, applies to the owner or operator of each secondary aluminum production facility as defined in § 63 1503

5     Subpart RRR, at 40 C F R § 63 1503, defines a secondary aluminum production facility as any establishment using clean charge, aluminum scrap, or dross from aluminum production, as the raw material and performing one or more of the following processes     furnace operations (i e , melting, holding, sweating, refining, fluxing, or alloying),

6 Subpart RRR, at 40 C F R § 63 1503, defines a sweat furnace as a furnace used exclusively to reclaim aluminum from scrap that contains substantial quantities of iron by using heat to separate the low-melting point aluminum from the scrap while the higher melting-point iron remains in solid form

**Requirements for Emission Limitation  
and Compliance Performance Testing**

7 Subpart RRR, at 40 C F R § 63 1505(a), requires an owner or operator of a new or existing affected source to comply with each applicable limit in this section

8 Subpart RRR, at 40 C F R § 63 1505(f), specifies that the owner or operator of a sweat furnace shall comply with the emission standard of paragraph (f)(2) of this section, which specifies that on and after March 24, 2003, the compliance date established by 40 C F R § 63 1501, the owner or operator of a sweat furnace at a secondary aluminum production facility that is a major or area source must not discharge or cause to be discharged to the atmosphere emissions in excess of 0.80 nanogram of D/F [dioxins/furans] TEQ per dscm ( $3.5 \times 10^{-10}$  gr per dscf) at 11 percent oxygen

9 Subpart RRR, at 40 C F R § 63 1511(a), specifies that the owner/operator must submit a site-specific test plan prior to conducting any performance testing

10 Subpart RRR, at 40 C F R § 63 1511(b), specifies that the owner or operator must demonstrate initial compliance with each applicable emission, equipment, work practice, or operational standard for each affected source and emission unit, and report the results in the notification of compliance status report as described in § 63 1515(b). It goes on to say the owner or operator of any existing affected source for which an initial performance test is required to demonstrate compliance must conduct this initial performance test no later than March 24, 2003, the date for compliance established by 40 C F R § 63 1501(a)

11 Subpart RRR, at 40 C F R § 63 1512(f), specifies that except as provided in 40 C F R § 63 1505(f)(1), the owner or operator of a sweat furnace must measure emissions of D/F from each sweat furnace at the outlet of the control device

**Requirements for Operation of a Sweat Furnace  
with an Afterburner**

12 Subpart RRR, at 40 C F R § 63 1506(a), specifies that on and after the date on which the initial performance test is conducted or required to be conducted, whichever date is earlier, the owner or operator must operate all new and existing affected sources and control equipment according to the requirements in this section

13 Although Subpart RRR, at 40 C F R § 63 1505(f)(2), requires the owner or operator of a sweat furnace to comply with the emission standard of paragraph (f)(2) of this section, Subpart RRR at 40 C F R § 63 1505(f)(1) provides that the owner or operator is not required to conduct a performance test to demonstrate compliance with the emission standard of paragraph (f)(2) of this section provided that, on and after the compliance date of this rule, the owner or operator operates and maintains an afterburner with a design residence time of 0.8 seconds or greater and an operating temperature of 1600°F or greater

14 Subpart RRR, at 40 C F R § 63 1506(a)(2), provides that the owner or operator of an existing sweat furnace that meets the specifications of 40 C F R § 63 1505(f)(1), must operate the sweat furnace and control equipment according to the requirements of this section on and after the compliance date for this standard

15 Subpart RRR, at 40 C F R § 63 1506(h), specifies that the owner or operator of a sweat furnace with emissions controlled by an afterburner must maintain the afterburner temperature according to the requirements of this section

**Requirements for Monitoring of Sweat Furnaces**

16 Subpart RRR, at 40 C F R § 63 1510(a), specifies that on and after the compliance date established by 40 C F R § 63 1501, the owner or operator of a new or existing affected source or emission unit must monitor all control equipment and processes according to the requirements in 40 C F R § 63 1510

17 Subpart RRR, at 40 C F R § 63 1510(b), specifies that the owner or operator must prepare and implement for each new or existing affected source and emission unit, a written operation, maintenance, and monitoring (OM&M) plan, which must be submitted to the permitting authority by the compliance date established by 40 C F R § 63 1501(a) and must include the information specified by 40 C F R § 63 1510(b)

18 Subpart RRR, at 40 C F R § 63 1510(g), specifies that an owner or operator using an afterburner to comply with the requirements of this subpart must monitor and record afterburner temperature and conduct afterburner inspections according to the requirements in this section

#### **Other Requirements for Owners or Operators of Sweat Furnaces**

19 Subpart RRR, at 40 C F R § 63 1515(b), specifies that each owner or operator of an existing affected source must submit a notification of compliance status report within 60 days after the compliance date established by 40 C F R § 63 1501(a), according to the requirements of this section

20 Subpart RRR, at 40 C F R § 63 1516(a), specifies that each owner or operator must develop and implement a written plan as described in this section and 40 C F R § 63 6(e)(3), containing specific procedures to be followed for operating and maintaining the source during periods of startup, shutdown, and malfunction, and including corrective actions to address malfunctions

21 Subpart RRR, at 40 C F R § 63 1517(a), specifies that as required by 40 C F R § 63 10(b), the owner or operator shall maintain files of all information, including all reports and notifications, required by the general provisions of Subpart A and this subpart

22 Subpart A, at 40 C F R § 63 6(e)(3), specifies that the owner/operator is required to have a startup, shutdown, and malfunction (SSM) plan on-site that conforms with the requirements of this section

#### **Findings**

23 WCJ, Inc (WCJ) owns and operates a scrap yard at 200 24<sup>th</sup> Avenue, Rock Island, Illinois, that meets the definition of a Secondary Aluminum Production facility, as defined by 40 C F R

§63 1503

24 WCJ owns and operated at its Rock Island facility a sweat furnace (sweat furnace), as defined by 40 C F R §63 1503, with an afterburner

25 The sweat furnace is subject to the requirements of 40 CFR Part 63, subpart RRR pertaining to dioxin and furan (D/F) emissions and associated operating, monitoring, reporting and recordkeeping requirements 40 C F R §63 1500(c)

26 WCJ's sweat furnace is an affected source as defined by 40 C F R §63 2

27 WCJ's sweat furnace is an area source of hazardous air pollutants (HAPs) as defined by 40 C F R §63 2

28 WCJ's sweat furnace is an existing source, as defined by 40 C F R §63 2

29 WCJ was required to comply with the requirements of 40 CFR subpart RRR by March 24, 2003 40 C F R § 63 1501(a)

30 WCJ's sweat furnace operated until at least November 2003

31 WCJ did not conduct an initial performance test of the sweat furnace for dioxins and furans pursuant to 40 C F R §63 1501(a) and 63 1511(b)

32 When WCJ operated its sweat furnace with an afterburner, WCJ did not record the afterburner temperature and conduct afterburner inspections

33 WCJ did not submit a notification of compliance status within 60 days of March 24, 2003 for its sweat furnace

34 WCJ did not maintain files in regard to its sweat furnace of all information, including all reports and notifications, required by the general provisions of 63 C F R Subparts A and RRR

35 WCJ did not prepare and implement for its sweat furnace a written operation, maintenance, and monitoring plan, as described at 40 C F R §63 1510(b)

36 WCJ did not develop, implement, and maintain for its sweat furnace a written startup, shutdown, and malfunction plan as described at 40 C F R §63 1516 and §63 6(e)(3)

37 U S EPA inspected WCJ's Rock Island facility on June 15, 2005

38 U S EPA issued a Finding of Violation to WCJ on December 27, 2005 alleging that WCJ violated the following provisions of the NESHAP for Secondary Aluminum Production 40 C F R § 63 1510(g), 63 1515(b), 63 1517(a), 63 1510(b), and 63 1516(a)

39 WCJ informed U S EPA by letter, dated April 10, 2006 from its attorney that the furnace has not been used for two years, has been offered for sale, and will not be used before its sale

40 WCJ violated 40 C F R §63 1515(b) when it failed to submit a notification of compliance status within 60 days of the March 24, 2003, compliance date

41 WCJ violated 40 C F R §63 1517(a) when, as required by 40 C F R § 63 10(b), it failed to maintain files of all information, including all reports and notifications, required by the general provisions of Subparts A and RRR

42 WCJ violated 40 C F R §63 1510(b), 63 1517(a), and 63 10(b) when it failed to prepare, implement, and maintain a written operation, maintenance, and monitoring plan, as described at 40 C F R § 63 1510(b)

43 WCJ violated 40 C F R §63 1516(a), 63 1517(a), and 63 6(e)(3) when it failed to develop, implement, and maintain a written startup, shutdown, and malfunction Plan

#### **Compliance Program**

44 Upon startup of WCJ's sweat furnace at its Rock Island facility, equipped with an afterburner, WCJ must comply with all applicable requirements of the Secondary Aluminum Production NESHAP, 40 C F R 1500 et seq (Subpart RRR)

45 Pursuant to 40 C F R (f)(2) WCJ must not discharge or cause to be discharged to the atmosphere emissions in excess of 0.80 nanogram of D/F [dioxins/furans] TEQ per dscm ( $3.5 \times 10^{-10}$  fr per dscf) at 11 percent oxygen and WCJ must conduct a



performance test pursuant to 40 CFR §15.11 or if WCJ maintains an afterburner with a design residence time of 0.8 seconds or greater and an operating temperature of 1600 degrees Fahrenheit or greater, WCJ must then monitor and record afterburner temperature and conduct afterburner inspections pursuant to 40 C.F.R. §63.1510(g)

46 Upon startup of the sweat furnace WCJ must also

- a Submit a notification of compliance status within 60 days of startup, as described by 40 C.F.R. §63.1515(b),
- b Maintain files of all information, including all reports and notifications, as required by the general provisions of Subparts A and RRR of 40 C.F.R. Part 63,
- c Prepare, implement and maintain a written operation, maintenance, and monitoring (OM&M) plan, as required by 40 C.F.R. §63.1510(b), 63.1517(a), and 63.10(b), and
- d Develop, implement and maintain a written startup, shutdown, and malfunction (SSM) plan, as required by 40 C.F.R. §63.1516(a), 63.1517(a), and 63.6(e)(3)

47 WCJ must notify U.S. EPA 30 days before startup of WCJ's sweat furnace

48 WCJ must notify U.S. EPA 10 days before the sale of the sweat furnace of the name and address of the purchasing party and when the sale will be completed

49 WCJ must submit to U.S. EPA, at the address listed below, notification of completion of the actions required by this Order

50 WCJ must send all notifications required by this Order to

Attention Compliance Tracker (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

#### **General Provisions**

51 This Order does not affect WCJ's responsibility to comply with other local, state and federal laws and regulations

52 This Order does not restrict U S EPA's authority to enforce Section 112 of the Act, or any other section of the Act

53 Nothing in this Order limits U S EPA's authority to seek appropriate relief, including penalties under Section 113 of the Act, 42 U S C § 7413

54 Failure to comply with this Order may subject WCJ to penalties of up to \$32,500 per day for each violation under Section 113 of the Act, 42 U S C § 7413, and 69 Fed Reg 7121 (Feb 13, 2004)(amending 40 C F R Part 19)

55 The terms of this Order are binding on WCJ, its assignees and successors WCJ must give notice of this Order, if still in effect, to any successors in interest, prior to transferring ownership, and must simultaneously verify to U S EPA, at the above address, that WCJ has given the notice

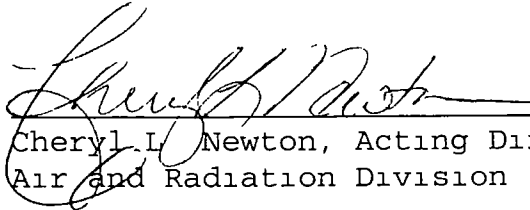
56 This Order is not subject to the Paperwork Reduction Act, 44 U S C § 3501 et seq , because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation To aid in our electronic record keeping efforts, please provide your response to this Order without staples Paper clips, binder clips, and 3-ring binders are acceptable

57 U S EPA may use any information submitted under this Order in an administrative, civil or criminal action

58 Section 113 (a)(4) of the Act, 42 U S C §7413(a)(4), states that an Order shall not take effect until the person to whom it is issued has had an opportunity to confer with U S EPA about the alleged violation Therefore, U S EPA is giving WCJ an opportunity to confer with U S EPA concerning this Order WCJ may schedule a conference with U S EPA by calling Rodrigo Valle at 312-886-1474 within seven days of WCJ's receipt of this Order

59 This Order is effective twenty days after WCJ's receipt of this Order. This Order will terminate one year from the effective date, provided that WCJ has complied with all terms of the Order throughout its duration.

6/7/06  
Date

  
Cheryl L. Newton, Acting Director,  
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent the Administrative Order, EPA Order No EPA-5-05-113(a)-11-IN, by Certified Mail, Return Receipt Requested, to

William C Jetter, Jr , President  
WCJ Inc  
200 24<sup>th</sup> Avenue  
P O Box 3665  
Rock Island, Illinois 61204-3665

J Drew Chambers, P C  
Holleran, Shaw, Murphy & Stoutner  
86 ½ Main Avenue,  
P O Box 3055  
Clinton, Iowa 52732-3055

I also certify that I sent a copy of the Administrative Order, EPA Order No EPA-5-05-113(a)-11-IN, by First Class Mail to

Julie Armitage, Acting Section Manager  
Compliance and Systems Management Section  
Bureau of Air  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62072

on the 8<sup>th</sup> day of June 2006

*Betty Williams*  
Betty Williams, Secretary  
AECAS(IL/IN)

CERTIFIED MAIL RECEIPT NUMBER 7001 0320 0006 1455 0914